

McCleary school-funding case: What we expect during Wednesday's hearing

Originally published September 6, 2016 at 6:00 am Updated September 6, 2016 at 7:33 pm

The McCleary K-12 funding case may seem neverending, but don't forget that billions of dollars are on the line. As the state Supreme Court prepares to meet Wednesday, here is the lowdown, from recent court filings, on how the state and plaintiffs see the work yet to be done.

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As the state Supreme Court gets ready to meet again Wednesday in the long-running [McCleary school-funding](#) case, it has asked the state and the plaintiffs to answer a series of questions.

This is the case in which the justices ruled back in 2012 that the state was violating the state constitution [by not spending enough](#) on K-12 education.

The deadline to comply is 2018, and the court and plaintiffs both have said that lawmakers are far from providing enough money, or even coming up with a detailed plan for how to get there.

No decision is expected Wednesday, but many will be watching closely to try to see what direction the court is leaning.

The court has been getting increasingly impatient. In 2014, it ruled the state in contempt of court. Last year, justices [ordered sanctions](#) of \$100,000 a day.

In a July order, the justices said that what remains to be done is "undeniably huge, but it is not undefinable." They also listed a series of questions they want the state and the plaintiffs to answer. The plaintiffs include two families (one is the namesake McClearys) and a coalition of about 400 community groups, school districts and education organizations.

The case centers on language in the state Constitution, which says providing an ample education for Washington's schoolchildren is the state's paramount duty.

Seattle Times reporters will provide live updates from the hearing, which is scheduled to start at 9 a.m. Until then, here are some highlights from how the two parties have answered the court's questions [in court filings](#):

What remains to be done to timely comply with the 2012 McCleary decision?

State: Three tasks remain:

1. Lower the number of students per class in kindergarten through grade three to the levels lawmakers have promised.
2. Continue to raise state spending for basic education to account for changes such as inflation and increases in student enrollment.
3. Determine how much it will cost the state to pay for salaries for teachers and other school employees.

Plaintiffs: The court's question requires an answer to three specific questions: what does constitutional compliance require, when must it be done to be timely, and what remains to be done to achieve that compliance? The state must amply provide for the education of all Washington children, it must be done by the 2017-18 school year, and a large amount needs to be done to comply with the decision.

How much is it expected to cost to comply with the McCleary decision?

State: Aside from salaries, the current estimated cost to fully fund K-12 basic education is approximately \$19.7 billion for 2017-19. The estimated cost to fully fund salaries is not yet known.

Plaintiffs: The state's response doesn't answer the question.

How does the state intend to cover that amount?

State: That's a decision for the 2017 Legislature. A bill in the 2016 legislative session committed to coming up with a plan by the end of the 2017 session.

Plaintiffs: The state's response doesn't answer the long-pending question, because it has not figured out how it is going to fund the actual cost of full compliance.

What significance, if any, should the court attach to the Legislature's most recent plan in determining compliance with the court's order to come up with a complete plan?

State: The Legislature enacted a plan that established specific steps and timelines for developing recommendations related to teacher and staff-member pay and committed to fully funding basic education by the end of the 2017 session, and end the need for school districts to use local levies to pay for basic education.

Plaintiffs: The most recent plan is not a complete year-by-year, phase-in plan that the court ordered the state to submit in 2012.

Does the state view the 2018 deadline as referring to the beginning of the 2017-18 school year, to the end of the 2017-18 fiscal year, to the end of 2018, or to some other date?

State: Sept. 1, 2018.

Plaintiffs: The state's deadline is not correct and refers to the 2018-19 school year, when it should refer to the year before. The 2017-18 school year is after the 2017 Legislative session, funded by the state's 2018 budget and when the class of 2018 graduates.

Should the court dismiss the contempt order or continue sanctions?

State: Dismiss the contempt order.

Plaintiffs: Continue and strengthen sanctions.

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